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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.1997 of 2005

Petitioners

1. Sukhviner Singh, aged about 48 years, son of Late Harbans Singh.
2. Sukhjeet Kaur, aged about 49 years, wife of Shri Tarlok singh.
3. Kamaljeet Kaur, aged about 43 years, wife of Shri Sukhvinder Singh.
4. Jagraj Singh, son of Late Harbans Singh aged about 42 years.
5. Harjinder Singh aged about 36 years, son of late harbans Singh.
6. Gurbir Singh, aged about 22 years, son of shri SukhvinderSingh

All petitioners are resident of Darri Road, Korba, Distt. Korba (C.G)

Versus

Respondents

1. The State of Chhattisgarh, through – the Secretary, Department of Transport, D.K.S. Bhawan, Mantralay, Raipur
2. The Regional Transport Officer, Raipur, Chhattisgarh
3. The Regional Sales Manager, SECL, Korba, Area, Distt. Korba (Chhattisgarh)

Present : Shri N.L. Soni learned counsel for the petitioners.
Shri N.K Agrawal, learned Dy. Advocate General with Shri Yashwant Singh, learned G.A for the State of C.G.
Shri Praveen Das, learned counsel for the S.E.C.L.

ORAL ORDER
(Passed on 24.7.2006)

The complaint of the petitioners, in crux, is that the respondent – SECL authorities are not permitting the petitioners' vehicles to carry even the maximum gross vehicle weight specified by the registering authorities, which is in conformity with the specification made by the Central Government in the notification issued under Section 58 (1) of the Motor Vehicles Act, 1988 (for short 'the Act'). Learned Deputy Advocate General who appeared for the State Authorities, per contra, would submit that the

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registering authorities have wrongly mentioned the maximum gross vehicle weight in the certificates of registration in violation of the gross carriage weight of the vehicle mentioned by the manufacturer in the sale certificate. There is no need for the Court to decide the question whether the maximum gross vehicle weight specified by the Registering Authorities is in conformity with the maximum gross vehicle weight specified by the Central Government in the notification issued under Section 58 (1) of the Act and/or as specified by the manufacturer of the vehicle as reflected in the sale certificate. If it is the case of the State that the registering authorities have wrongly mentioned the maximum gross vehicle weight, there is absolutely no impediment for such authorities to correct their mistakes, as held by this Court in the order dated 6/7/2006 passed in Writ Petition No. 944 of 2006.

(2) In that view of the matter, I dispose of this writ petition directing the concerned registering authority to complete the proceedings in pursuance of the show-cause notice dated 14/7/2006 as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this order. Till then, the *status quo* that obtains as on today shall be maintained. This direction is confined to the vehicles, namely, CG-04/G-9180 and CG-04/G-9183. It is made clear that with regard to the remaining six vehicles the judgment of this Court dated 6/7/2006 made in Writ Petition No.944 of 2006 squarely applies. In that view of the matter the refusal of the SECL authorities to the petitioners' the remaining six vehicles to carry maximum gross vehicle weight specified in the registration certificates could not be faulted with. No costs.

Sd/-
Chief Justice

Brajesh